

Mr. SCOTT of Virginia: I would like to thank the chairs of the Judiciary Committee and the Intelligence Committee for their hard work in addressing the issue of warrantless surveillance under the Foreign Intelligence Surveillance Act and for introducing legislation that addresses national security challenges presented by global terrorism.

This bill provides that any wiretap which would be legal under the President's proposal will be legal under this legislation. It merely requires that under some circumstances that a warrant be obtained prior to the wiretap or if there is an emergency after the wiretap begins. The warrant procedure is a modest protection of our civil liberties.

This bill does not balance civil liberties with national security, because all of the wiretaps would be permitted; but this bill just provides a little oversight. The idea of wiretaps without oversight has to be considered in the context of some recent documents of the Department of Justice.

Republican-appointed officials have accused this administration of firing U.S. Attorneys because they did not indict Democrats in time to affect an upcoming election. We have been unable to ascertain the truth of the allegations for several reasons.

First, high-ranging administration officials question the credibility of Attorney General Gonzales' original response to the allegations. One high-ranking Justice Department official quit; another pleaded the fifth. White House officials have refused to respond to our subpoenas. It is this Justice Department that seeks unprecedented authority to wiretap citizens without traditional oversight or even articulating the primary purpose of the wiretaps.

Furthermore, the bill does not offer retroactive immunity for illegal activities. The fact is that the telecom companies which may benefit from retroactive immunity already have immunity for any reasonable actions they may have taken. This bill provides a procedural change which ensures that these claims of immunity can properly be considered.

In summary, this bill provides for all of the security protections sought by the President, but it also provides modest protection for our civil liberties. Therefore, we should support the bill.